

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P05083WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/007378	International filing date (<i>day/month/year</i>) 06.07.2004	Priority date (<i>day/month/year</i>) 07.07.2003
International Patent Classification (IPC) or national classification and IPC H04L9/08, G06F7/58		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-15 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 4-11 _____ received by this Authority on 31.01.2005 with letter
- nos.* 1-3, 12-23 _____ received by this Authority on of 24.01.2005
- _____ 10.08.2005 with letter
- _____ of 05.08.2005
- ☒ the drawings:
- sheets 1/4-4/4 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-23	YES
	Claims		NO
Inventive step (IS)	Claims	1-23	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-23	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following document:			
D1: WO 97/49213 A (ERICSSON GE MOBILE INC) 24 December 1997 (1997-12-24)			
1. Document D1 is considered the prior art closest to the subject matter of claim 1 and discloses a data transmission method comprising the following steps:			
<ul style="list-style-type: none">- inputting first data from a stochastic process into at least a first and a second station of a communications network (page 4, line 24 to page 5, line 14);- in each of the first and second stations: generating a symmetrical key based on the first data and storing the symmetrical key for encoded data transmission between the at least first and second stations (page 5, lines 9, 10 and 13, 14).			
1.1. The subject matter of claim 1 thus differs from the known method in that each of the at least first and second stations has means for generating			

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	<p>a key for a first and a second encoding method, a first and a second symmetrical key being generated based on the first data and the encoding methods being alternated between according to a time sequence in order to carry out encoded data transmission.</p> <p>1.2. The subject matter of claim 1 is thus novel (PCT Article 33(2)).</p> <p>1.3. The present invention can therefore be considered to address the problem of increasing the level of security for the encoding procedure as per D1 with a comparatively low level of complexity.</p> <p>The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:</p> <p>Although the alternating use of different alternative encoding methods for data encoding is known in principle in one and the same encoding system, a temporally varying key generation is not common to a person skilled in the art. The technical features from the characterising part of claim 1 are not obvious to a person skilled in the art from either document D1 alone or from a combination of D1 with other documents.</p> <p>2. The above reasoning also applies to independent claims 14 and 17. The subject matter of claims 14</p>

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3.	and 17 is therefore also novel (PCT Article 33(2)) and involves an inventive step (PCT Article 33(3)).
	Claims 2-13, 15, 16 and 18-23 are dependent on claims 1, 14 or 17 and therefore likewise meet the PCT requirements for novelty and inventive step.
	4. Upon entry into the regional phase, the applicant should ensure that the prior art (document D1) is acknowledged and that the description is brought into line with the claims as worded at that time.